

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

TERESA GOODROAD,  Petitioner,  vs.  UNITED STATES OF AMERICA,  Respondent.	5:25-CV-05034-KES  MEMORANDUM IN SUPPORT OF MOTION FOR ORDER DIRECTING FORMER DEFENSE COUNSEL TO RESPOND TO CLAIMS OF INEFFECTIVE ASSISTANCE AND MOTION FOR EXTENSION OF TIME TO ANSWER
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The United States of America, by and through Assistant United States Attorney Kathryn N. Rich, respectfully moves the Court for an order directing petitioner's former defense counsel, John S. Rusch, to provide the United States with an affidavit addressing the claims of ineffective assistance of counsel contained within petitioner's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, filed herein.

The United States asserts that by alleging ineffective assistance of counsel, petitioner has waived her attorney-client privilege and counsel is not constrained from responding to such allegations. *See Tasby v. United States*, 504 F.2d 332, 336 (8th Cir. 1974) (attorney-client privilege waived when competence of attorney is called into public question). Disclosure of attorney-client privileged information may be impliedly authorized where a client has made allegations concerning his attorney's representation. *See* ABA Model Rule of Professional Conduct 1.6.

WHEREFORE, the United States respectfully requests the Court enter an order directing the following:

1. That petitioner sign and file an attorney-client privilege waiver or her claims of ineffective assistance of counsel should be stricken from the record.
2. That former defense counsel, John S. Rusch, provide the United States with an affidavit, to the extent he has knowledge, addressing petitioner's specific claims of ineffective assistance of counsel.
3. That the order reflects that petitioner's allegations of ineffective assistance of counsel have effected a waiver of the attorney-client privilege which permits the filing of the affidavit; and
4. That the United States be allowed 30 days after the affidavit is received to file its response to petitioner's § 2255 motion.

Dated and electronically filed May 12, 2025.

ALISON J. RAMSDELL  
UNITED STATES ATTORNEY

/s/ Kathryn N. Rich

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 12, 2025, a true and correct copy of the foregoing *Memorandum in Support of Motion for Order Directing Former Defense Counsel to Respond to Claims of Ineffective Assistance and Motion for Extension of Time to Answer* was served upon the following parties as shown below:

John S. Rusch  
Rensch Law  
832 St. Joseph St.  
Rapid City, SD 57701

Teresa Goodroad  
Reg. No. 80373-510  
FMC Carswell  
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/s/ Kathryn N. Rich

KATHRYN N. RICH  
Assistant U.S. Attorney